

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

JANSSEN BIOTECH, INC. and
NEW YORK UNIVERSITY

Plaintiffs,

vs.

CELLTRION HEALTHCARE CO., LTD.,
CELLTRION, INC., and
HOSPIRA, INC.

Defendants.

Civil Action No. 1:15-cv-10698

STIPULATION OF VOLUNTARY DISMISSAL UNDER FED. R. CIV. P. 41(a)(1)

WHEREAS, Defendant Celltrion, Inc. submitted an abbreviated Biologic License Application (“aBLA”) No. 125544 seeking permission to market a proposed biosimilar version of Plaintiff Janssen Biotech, Inc.’s (“Janssen”) biological medicine Remicade (infliximab);

WHEREAS, Janssen has sued Defendants Celltrion Healthcare Co., Ltd., Celltrion, Inc., and Hospira, Inc. (collectively, “Defendants”) in count 8 of the complaint for infringement of U.S. Patent No. 6,773,600 (the “‘600 patent”) under 35 U.S.C. § 271(e)(2)(C)(ii) based on the submission of aBLA No. 125544 and Defendants’ alleged failure to provide manufacturing information in addition to the aBLA itself under the Biologics and Price Competition and Innovation Act (“BPCIA”);

WHEREAS, Defendants have answered the complaint and have asserted defenses that pertain to the ‘600 patent;

WHEREAS, Defendants have since produced manufacturing information related to the '600 patent that describes Defendants' downstream purification process for their proposed infliximab biosimilar products subject to the aBLA.

NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED that:

All claims and defenses pending between the parties related to alleged infringement of the '600 patent under 35 U.S.C. § 271(e)(2)(C)(ii) are dismissed, and that dismissal is with prejudice only with respect to all claims and defenses related to the downstream purification process as described in the documents Defendants have produced to date, including documents bearing production numbers CELLREM-0001197-380, CELLREM-0004757-5116, CELLREM-0005151-338, CELLREM-0008781-809, CELLREM-0060583-704, CELLREM-0060816-43, and CELLREM-0061142-70.

Dated: December 29, 2015

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CERTIFICATE OF SERVICE

I certify that on December 29, 2015 this document, filed through the ECF system, will be sent electronically to the parties or their counsel who are registered participants as identified on the Notice of Electronic Filing.

/s/ Heather B. Repicky

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